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February 15, 2022

**VIA FEDERAL EXPRESS & E-MAIL TO:**

[admin@phoenixdatas.com](mailto:admin@phoenixdatas.com)

Chet Stojanovich  
50 West Street, Apt. 29A  
New York, New York 10007

Chet Stojanovich  
105 Duane Street, Apt. 20F  
New York, New York 10007

RE: Alex Holmes, et al. v. Chet Stojanovich, et al. Case No.: 7:20cv04448 and  
Andrew Schwartzberg v. Chet Stojanovich, et al. Case No.: 1:20cv01880

Dear Chet:

Please be advised that the Court ordered in-person deposition will be held on Friday, March 4, 2022 at 11:30am. The deposition will take place at Diamond Court Reporting located at 7 Time Square, Manhattan, New York.

Enclosed please find a copy of the Contempt Hearing Transcript.

Very truly yours,

E. STEWART JONES HACKER MURPHY LLP

/s/ John F. Harwick

John F. Harwick, Esq.  
[jharwick@joneshacker.com](mailto:jharwick@joneshacker.com)  
Direct Dial: (518) 213-0113

JFH:dmd  
Enclosure

cc: Clients

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1

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
3 -----x

3 ALEX HOLMES, et al.,

4 Plaintiffs,

5 v.

20 CV 4448 (LJL)

6 CHET MINING CO CANADA LTD., et  
7 al.,

8 Defendants.

Conference  
(via Telephone)9 -----x  
10 New York, N.Y.  
11 February 14, 2022  
12 11:05 a.m.

13 Before:

14 HON. LEWIS J. LIMAN,

15 District Judge

## 16 APPEARANCES

17 E. STEWART JONES HACKER MURPHY LLP  
18 Attorneys for Plaintiffs

19 BY: JOHN F. HARWICK

20 CHET STOJANOVICH, Defendant *Pro Se*

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1 (Case called)

2 THE COURT: We are here today on the application by  
3 the plaintiffs for an order of finding Mr. Stojanovich in  
4 contempt. I have in front of me the plaintiffs' motion for  
5 contempt, which comes with a memorandum of law and an affidavit  
6 of Mr. Harwick. I have Mr. Harwick on the phone. I also have  
7 Mr. Stojanovich on the phone.

8 Before we go further, I want to make sure that neither  
9 party objects to me proceeding today telephonically.

10 Mr. Harwick.

11 MR. HARWICK: No objection, your Honor.

12 THE COURT: Mr. Stojanovich.

13 MR. STOJANOVICH: No objection. Is my counselor on  
14 the phone as well?

15 THE COURT: Mr. Stojanovich, we don't have counsel on  
16 the phone for you.

17 MR. STOJANOVICH: That's a problem. I have to figure  
18 out where he is.

19 THE COURT: We will adjourn until 11:15.

20 Mr. Stojanovich, you have some time to get a lawyer on  
21 the phone. Otherwise, the hearing was noticed, and I intend to  
22 go forward with it.

23 I would ask the parties and the court reporter to  
24 please try to stay on the phone line. I am going to put my  
25 phone line on hold. I will join you again at 11:15.

1                   MR. HARWICK: Your Honor I would just like to know who  
2 Mr. Stojanovich's purported attorney is. I have been trying to  
3 see if there is going to be representation. I know he has  
4 counsel in California, but they have declined representing him  
5 in this proceeding. If I could ask the Court to obtain  
6 information about who Mr. Stojanovich's counsel purportedly is,  
7 I would appreciate that.

8                   THE COURT: Who is that, Mr. Stojanovich?

9                   MR. STOJANOVICH: I'm reaching out to Mark Riera. I  
10 don't know if he has somebody in his stead to do this. I'm  
11 kind of confused. I thought he was going to be on the phone.

12                  MR. HARWICK: Your Honor, if I may interject, Mark  
13 Riera is an attorney out in California that I have been  
14 corresponding with about some behind-the-scenes negotiations.  
15 I asked him if he was going to be appearing on  
16 Mr. Stojanovich's behalf at today's hearing and he said  
17 absolutely not. He is not admitted in New York State to  
18 practice law, and he is not admitted in the Southern District  
19 of New York federal court. So he advised me last week  
20 specifically that he would not be appearing at today's  
21 conference, at today's hearing.

22                  THE COURT: I am still going to adjourn until 11:15.  
23 I'll be back on with you.

24                  MR. STOJANOVICH: I appreciate it, your Honor. I'm  
25 sorry for this delay. I really apologize for this.

1 (Recess)

2 THE COURT: Do I have Mr. Harwick on the phone?

3 MR. HARWICK: Yes, your Honor.

4 THE COURT: Do I have Mr. Stojanovich on the phone?

5 MR. STOJANOVICH: Yes, your Honor.

6 THE COURT: Is there counsel for Mr. Stojanovich?

7 MR. STOJANOVICH: I am still trying to find out who is  
8 supposed to be here right now. I apologize for this. I don't  
9 know why there isn't somebody present.

10 THE COURT: We are going to proceed. The hearing has  
11 been noticed for today and no counsel previously has noticed an  
12 appearance on behalf of Mr. Stojanovich.

13 Mr. Harwick, let me hear from you first with respect  
14 to your application, and then I will hear from Mr. Stojanovich.

15 MR. HARWICK: Thank you, your Honor.

16 May it please the Court, John F. Harwick on behalf of  
17 the plaintiffs judgment creditors and movants: Alex Holmes;  
18 Josh Navarro; Nico Tramontana; Bitcoin Ventures 2020, LLC;  
19 Yasar Corporation; and OnePurpose LTD. My clients are judgment  
20 creditors as against Chet Stojanovich and his various  
21 companies.

22 THE COURT: Let me interrupt you for a second,  
23 Mr. Harwick. Anybody who is not speaking should put their  
24 phone on mute. That means the only person whose phone should  
25 not be on mute are myself and Mr. Harwick.

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1                   Please proceed, Mr. Harwick.

2                   MR. HARWICK: Thank you, your Honor.

3                   I don't know if you need me to rehash any of that from  
4 before, but the essentially I'm representing all the plaintiffs  
5 in this case who are judgment creditors and the movants herein  
6 as against Mr. Stojanovich and his related companies with  
7 regard to what we think is a fraudulent scheme that deprived my  
8 clients collectively of over a million dollars.

9                   In Bitcoin we successfully obtained default judgments  
10 against Mr. Stojanovich and then proceeded with collection  
11 activities under the Federal Rules of Civil Procedure and the  
12 New York State Article 52 of the CPLR, made applicable by the  
13 federal rules, including issuing and serving an Article 52  
14 subpoena for Mr. Stojanovich's deposition testimony and for him  
15 to produce various documents and records.

16                   As I set forth in my moving papers, which I am not  
17 going to rehash her in the record because they are already part  
18 of the record, Mr. Stojanovich was extremely evasive and  
19 nonresponsive in many of his answers when by finally pinned him  
20 down for a deposition after what I'll describe as herculean  
21 efforts to get him to appear and to be present at an Article 52  
22 deposition.

23                   Critically, he failed to produce essentially any of  
24 the documents that we subpoenaed with regard to his finances,  
25 with regard to his business transactions, with regard to his

1 dealings.

2 I can represent to the Court that it has come to our  
3 attention, since the filing of this motion, since the  
4 deposition, that there are financial accounts and institutions  
5 out there that Mr. Stojanovich is utilizing that he did not  
6 disclose, that he did not reveal at his deposition, that he did  
7 not produce documents and paperwork for, one of which is  
8 located at Morgan Stanley. We were able to locate an account  
9 for him at Morgan Stanley and another shell business that he is  
10 using called Phoenix Investments or something to do with  
11 Phoenix.

12 I also note for the record that we complied with all  
13 procedural aspects of making this motion for contempt,  
14 including properly serving Mr. Stojanovich personally with the  
15 application, and, obviously, he was put on notice of this  
16 application, because he's on the call today, and we also served  
17 him with a copy of local rule 83.6, as required by the local  
18 rules, which sets forth the procedure for contempt.

19 So we are asking the Court to issue an order holding  
20 Mr. Stojanovich in contempt of Court, reimbursing us for  
21 reasonable attorneys' fees, ordering him to appear, I would say  
22 at this point in time, in person at a deposition. We have had  
23 some technical difficulties, feigned or real, in the past,  
24 trying to conduct this deposition by and zoom. I would request  
25 that he be ordered to appear in person for a further Article 52

1 deposition and provide a written sworn to response with regard  
2 to each category of the documents that we subpoena as shown by  
3 Exhibit A to our Article 52 subpoena.

4 I am reserving my right to issue additional subpoenas  
5 because we have, as I have indicated, discovered different  
6 shell entities that we believe Mr. Stojanovich is currently  
7 using to defraud additional investors and to hide assets.

8 So that's our application.

9 I will note for the record that I have spoken with an  
10 attorney by the name of Mark Riera, who represents Chet on some  
11 underlying negotiations that we were having. I did ask  
12 Mr. Riera if he was going to appear or secure representation  
13 for Mr. Stojanovich at today's contempt hearing. After I did  
14 send him the notice of the hearing and advised him to -- I also  
15 sent him the contempt motion as well, that is, Mr. Riera, and  
16 advised him of today's hearing. I sent him a copy of today's  
17 hearing order. And he unequivocally said he is not admitted to  
18 practice law in the State of New York, not admitted in the  
19 Southern District of New York, and would not be appearing here  
20 today.

21 This is the first step to get Mr. Stojanovich to  
22 comply with our outstanding discovery. If he fails to comply,  
23 I am going to ask the Court to hold Mr. Stojanovich in criminal  
24 contempt and to further ask that the Court issue an arrest  
25 warrant directed towards the United States Marshal to find and

1 arrest Mr. Stojanovich if he continues to fail to comply with  
2 our efforts to discover his assets and allow for the collection  
3 of these substantial judgments.

4 Finally, I will note for the record that  
5 Mr. Stojanovich lives in Manhattan, in an apartment that we  
6 believe rents for approximately \$6,000 per month. His Morgan  
7 Stanley account shows substantial brokerage activity, as does  
8 his Coinbase account, which shows millions of dollars being  
9 transacted over the last several years in cryptocurrency.

10 One of the main things we are seeking to discover here  
11 is his hard drives and the keys to his cryptocurrency assets in  
12 his cryptocurrency accounts. That was also part of my  
13 subpoenas and my supplemental subpoenas.

14 In sum, we are asking the Court to issue an order  
15 finding Mr. Stojanovich in contempt by fully complying with all  
16 outstanding discovery, including but not limited to, providing  
17 us with access to his cryptocurrency accounts and assets.  
18 Falling short of his full compliance, we are going to ask that  
19 he be placed under arrest by the United States Marshal until he  
20 does comply.

21 THE COURT: Let me ask you a few follow-up questions.

22 First of all, in terms of the order that you contend  
23 Mr. Stojanovich has failed to comply with, I gather, it is, in  
24 part, the failure to appear on September 2, 2021, which was  
25 required by the subpoenas that you served on him, including the

1 May 18, 2021 subpoena, is that correct?

2 MR. HARWICK: Yes.

3 THE COURT: Then, in addition to the failure to  
4 appear, are you also seeking a contempt order with respect to  
5 the failure to produce the documents demanded by the subpoenas?

6 MR. HARWICK: Yes, your Honor.

7 THE COURT: Could you identify for me some of the  
8 specific requests that you contend that Mr. Stojanovich has  
9 failed to comply with and your evidence that supports that  
10 failure to comply. You're welcome to go through every single  
11 one of them. You're also welcome to just highlight the ones  
12 for me that you think are most important.

13 MR. HARWICK: Essentially, we subpoenaed  
14 Mr. Stojanovich and his company, attached as schedule A, which  
15 has a laundry list of documents that we typically see in  
16 collection cases. He essentially failed to comply with almost  
17 everything on that list.

18 THE COURT: I have Exhibit A to Exhibit 62-4 in front  
19 of me.

20 Mr. Harwick, I have in front of me Exhibit A to your  
21 January 29, 2021 subpoena, which also appears at the docket at  
22 62-4. Is that what I should be looking at, Exhibit C?

23 MR. HARWICK: That's what you should be looking at,  
24 your Honor. I also made some follow-up demands and requests  
25 later on at depositions when he did appear, specifically

1 seeking hard drives and data.

2 I am not sure how much the Court is aware of  
3 cryptocurrency, but essentially cryptocurrency is electronic  
4 currency that can be kept on various hard drives and on  
5 electronic devices instead of at financial institutions. We  
6 had requested that he produce hard drives. We requested that  
7 he produce his telephone. We requested that he produce his  
8 log-in information to his Apple iCloud account, which he  
9 testified would have documentation about his crypto assets.

10 But essentially, your Honor, Mr. Stojanovich failed to  
11 produce in any meaningful manner any of the documentation that  
12 we subpoenaed, which you are correct, is attached to our  
13 subpoena as Exhibit A.

14 THE COURT: Am I correct in thinking that that begins  
15 at item 52 with all cryptocurrency records and statements and  
16 end at item 61, with any other information documents or  
17 electronic data showing ownership or control of any  
18 cryptocurrency?

19 MR. HARWICK: Yes, your Honor. That, amongst the  
20 other more traditional documentation with regard to his  
21 traditional assets, he has failed to produce.

22 THE COURT: Do you want to make a proffer to me or  
23 point me to the evidence -- perhaps it's from the deposition --  
24 that shows that he has some of the information that you are  
25 seeking in the subpoena and that he failed to produce.

1                   MR. HARWICK: I can go through that. Let me just pull  
2 up that deposition transcript. There were several. But I'll  
3 make a representation to the Court that he did testify at his  
4 deposition that he had -- for example, one stark example is the  
5 log-on information for his iCloud account. We went through  
6 that at length. He promised to get it to me, but he never did.  
7 That's one I mean.

8                   There is a page in the transcript, but he claimed to  
9 have a hard drive or some type of document down in his car, and  
10 we invited him to go get it in his car, and he refused to go  
11 get it.

12                  We do believe he has this information. Like I said, I  
13 can also file a supplemental document that sets forth exactly  
14 what he testified to --

15                  THE COURT: I have your Exhibit J, which is his  
16 testimony, and I have read it. I am satisfied that you can  
17 make the finding that he testified that there is information  
18 that was called for by the subpoena but that has not been  
19 produced, but I'll be asking you for the records to just point  
20 out some of that.

21                  MR. HARWICK: I apologize I didn't go through the  
22 deposition with a fine-tooth comb before this hearing. I can  
23 submit a supplemental --

24                  THE COURT: I don't want you to do that. I want to  
25 resolve this today.

1                   I'm looking at page 45 of the deposition. You asked  
2 the question: Do you own any cryptocurrency? And there is an  
3 answer: I have some miscellaneous wallets with like a little  
4 bit of crypto I found recently, but I liquidated most of it.

5                   Is that part of what you are referring to?

6                   MR. HARWICK: Yes, it is. The reality of this case,  
7 Judge, is that we know he stole over a million dollars from my  
8 clients.

9                   THE COURT: Mr. Harwick, do you have the deposition in  
10 front of you?

11                  MR. HARWICK: I'm pulling it up now.

12                  THE COURT: Why don't you spend a minute and be  
13 prepared to go through with me what your highlights are. I've  
14 got --

15                  MR. HARWICK: Let me just put you on mute so I'm not  
16 giving you any feedback while I pull up this deposition.

17                  MR. STOJANOVICH: Your Honor, should I stay quiet  
18 until you ask me to speak?

19                  THE COURT: Mr. Stojanovich, I'll give you an  
20 opportunity after he is done.

21                  MR. STOJANOVICH: OK. Thank you very much, your  
22 Honor.

23                  THE COURT: Mr. Harwick, are you prepared?

24                  MR. HARWICK: Yes. I'm just pulling up the deposition  
25 on my computer here. I'm sorry, Judge. What page were you on?

1                   THE COURT: You just tell me what pages you want me to  
2 focus on. You know your deposition.

3                   MR. HARWICK: Your Honor, I'm referring to page 45-46  
4 of the deposition transcript where I'm asking him about his  
5 various accounts at these brokerage houses, one of which is  
6 called Gemini, another of which is called Coinbase. We are  
7 trying to locate his crypto assets. He acknowledges he has  
8 some crypto, liquidated the crypto within the last few months.  
9 He references that at page 45 of the deposition.

10                  Again, it is also not only related to crypto, but  
11 related to his traditional assets. We know he has got to have  
12 a bank account somewhere to pay his bills. We know he has to  
13 have a bank account to pay his rent.

14                  At page 77 to 83, there is a discussion about external  
15 hard drive, which it's my understanding that crypto can  
16 actually be stored on an external hard drive and then accessed  
17 if you have the correct key. So we asked him about that from  
18 page 77 to 83 of the transcript.

19                  We asked him about the account statements for bank  
20 accounts in which he accepted payments from the plaintiffs or  
21 deposited money from the plaintiffs at page 67 and 68.

22                  Also, he acknowledged the existence of financial  
23 accounts at Charles Schwab and TD Ameritrade at page 107, 108  
24 of the deposition. Again, all this documentation was not  
25 produced. When pressed about it he said -- he continually said

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1 he would have to check or he'd have to go check this. He  
2 didn't know which credit cards were still active. That's at  
3 page 31-32 of the transcript.

4 His father passed away and left a testamentary trust.  
5 Again, he wasn't producing any information about that. That's  
6 at page 25 of the transcript.

7 The discussion on the crypto essentially runs from  
8 page 45 to page 51 of the transcript.

9 THE COURT: Last question I've got for you. As part  
10 of your relief I jotted down that you are seeking written  
11 responses by Mr. Stojanovich to your subpoenas. Did I jot that  
12 down correctly?

13 MR. HARWICK: Yeah. For each category of documents  
14 what I think we need to do is he needs -- I need to depose him  
15 again, and he needs to answer these questions truthfully and  
16 fully. Before that, I need him to produce the documentation  
17 that is called for by the subpoena.

18 THE COURT: I understand that.

19 Mr. Harwick, you anticipated my question, which was  
20 going to be why you would need written responses to the  
21 requests in the subpoena, as opposed to just asking him orally  
22 about them and getting the documents in advance.

23 Let me hear from Mr. Stojanovich.

24 Mr. Stojanovich, can you explain to me why you didn't  
25 appear at the deposition and what your excuse is for failing to

1 produce the documents. You can tell me anything else you want  
2 me to know.

3 MR. STOJANOVICH: Yeah.

4 For starters, we were working towards a mutual  
5 settlement at that time. So I thought it was mutually agreed  
6 that I wouldn't have to go on September because we were talking  
7 behind and, as of very recently, we signed a settlement  
8 agreement that was proposed forward.

9 I have no issue producing any documents that I have.  
10 There are a few areas that you guys covered. During the  
11 deposition they asked me if I had any crypto holdings. When I  
12 said I had very small, probably some very small holdings here  
13 and there, it's not like in a traditional way and it's not --  
14 it was the backup hard drive for my documents, not for my  
15 crypto holdings. That backup drive I was talking about I  
16 couldn't find, and it was for my bank records that I had  
17 before, but those accounts had already been closed that he was  
18 asking about.

19 One of the difficult things about getting bank  
20 accounts that have already closed, the records for it, banks,  
21 they usually don't keep them for very long. So I put in a  
22 request for them, but during COVID it was very difficult  
23 because there was no in-branch ability to go see a banker,  
24 which with Charles Schwab and TD those accounts have been  
25 closed, and there wasn't really somebody that could in to

1 produce those documents.

2 I am not trying to withhold these document or hide  
3 anything whatsoever. I went ahead and tried to produce as much  
4 as I could on that list. Some of the stuff just didn't apply  
5 where I just didn't have one thing or another ever, so it  
6 didn't apply at all.

7 I have no problem producing anything that he requests,  
8 but, in large part, I thought today we were going to be  
9 removing the motion because of the settlement agreement that we  
10 had. That's predominantly why we didn't do a follow-up on  
11 this. And this motion for a contempt was filed just before the  
12 settlement agreement was reached. That's why this stuff wasn't  
13 produced because, frankly, I didn't think that it was needed,  
14 needed to be produced.

15 That is predominantly the first reason why the stuff  
16 wasn't turned over, and I'm more than happy to turn over  
17 anything that the requested, of course. I'm an open book in  
18 that regard.

19 It's going to take me time to compile everything.  
20 Some of the stuff doesn't apply and some of the stuff does. It  
21 came down to basically working together on this to go ahead and  
22 find an amicable solution. What I'm trying to do right now is  
23 figure out exactly what the path is forward for everybody to  
24 obviously part ways amicably and the settlement to be sorted  
25 out.

1           I do understand that there was also a serving -- he  
2 brought up the apartment. I don't live there anymore, so I  
3 didn't get the serving. All I got was -- I got a notification  
4 that the court date was here. It was a one-pager. It was  
5 dropped at my old building.

6           I was trying to figure out what the best way forward  
7 was with the settlement agreement. When it came to my  
8 apartment, I basically moved out of my apartment almost --  
9 quite a while ago, and I'm in between places right now, so I  
10 didn't get the full deposition documents.

11           I have had some issues in that regard with getting  
12 mail and stuff like that, so I don't know how it was sent over.  
13 But the building will sometimes just grab that stuff.  
14 Sometimes they notify me. Sometimes they don't. But when I  
15 was notified of this date, I got a one-pager from the Court  
16 saying that I had to show up, and I feel clearly willfully  
17 unprepared for this because I'm also not confident about the  
18 decorum of such a hearing or what I'm supposed to do.

19           I also would -- my counselor got me in touch with  
20 another lawyer for this specific issue, but I didn't think that  
21 we were going to even move forward with this because of the  
22 settlement agreement.

23           I kind of don't know where to begin on that stuff, but  
24 I didn't get the full documents to be prepared for today, and I  
25 know that that's my responsibility to sort out. But, at the

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1 same time, I wish I had a better beat on all of the stuff right  
2 now because I don't have the deposition documentation or the  
3 ability to go trace back over, which counsel is.

4           While I know this is important for them to have, and  
5 if they are going to continue moving forward with the -- with  
6 this motion, then I am going to make sure that I go ahead and  
7 provide whatever documentation that they need. Obviously,  
8 whatever is being settled prior to this is going to have be  
9 sorted out as well.

10           I'm trying to do everything in good faith right now.

11           Is there anything else that I need to cover, your  
12 Honor?

13           THE COURT: I do have a couple of questions for you,  
14 Mr. Stojanovich.

15           First, is your e-mail Chet@Chetmining --

16           MR. STOJANOVICH: I don't have that anymore.

17           THE COURT: Sir, you knew your deposition was  
18 continued until September 2, 2021, didn't you?

19           MR. STOJANOVICH: We spoke about it, but we were  
20 moving forward on the precept that we were going to sign a  
21 settlement agreement and that the deposition wouldn't need to  
22 be continued.

23           THE COURT: Did anybody from the plaintiffs actually  
24 tell you that you didn't need to appear on September 2, 2021?

25           MR. STOJANOVICH: This is what I discussed with John

1 in detail. It was what my counselor was doing over at JMJB.  
2 That's how we were proceeding forward.

3 THE COURT: No. I don't know if you answered my  
4 question.

5 Did anybody who represented the plaintiff actually  
6 say, prior to September 2, 2021, that you did not need to  
7 appear on September 2, 2021?

8 MR. STOJANOVICH: I do believe John had said that I  
9 don't need to appear if we were doing a settlement.

10 THE COURT: When do you say he said that?

11 MR. STOJANOVICH: This was, I think, a week before,  
12 two weeks, in August, we had spoken on the phone.

13 THE COURT: Here is what I am going to do,  
14 Mr. Harwick. I am going to hold in abeyance the motion for  
15 contempt, but I am going to order Mr. Stojanovich to appear in  
16 person for a deposition. I am going to give him a date  
17 certain, which you will give me in a moment. I am going to  
18 provide a date certain by which he has to produce all of the  
19 documents. And then I am going to schedule a hearing for a  
20 point after that with respect to your motion for contempt at  
21 which I will hear the evidence with respect to him being  
22 relieved from the September 2 deposition, as well as your  
23 application with respect to contempt on the failure to produce  
24 documents. I want to do all of that quite quickly.

25 Mr. Harwick, why don't you tell me when you want to do

1 the deposition in person.

2 MR. HARWICK: Yes, your Honor. Let me check my  
3 calendar.

4 I just would like to add, for the record, that I did  
5 not relieve Mr. Stojanovich from appearing at the September  
6 deposition, verbally or in writing. If I had done it, I would  
7 have done it in writing, not verbally, and I didn't do it  
8 verbally or in writing.

9 THE COURT: That's what I will need the hearing on.  
10 Somebody is right and somebody is wrong. If they are wrong,  
11 and there is willfulness in terms of what they have said, civil  
12 contempt may be the least of the issues.

13 What date?

14 MR. HARWICK: Let me see, your Honor. I would like to  
15 do this on -- Friday, March 4 would work for me.

16 THE COURT: What time and where?

17 MR. HARWICK: I would have to secure a location in New  
18 York City. I believe Mr. Stojanovich lives in Manhattan.  
19 Maybe Diamond Court Reporting or a place to be announced. I  
20 don't know if the Court has any facilities to conduct  
21 depositions.

22 But typically when I have done them in the city, I  
23 have used Diamond Court Reporting. They have facilities in  
24 midtown Manhattan. I would have to confirm with them that  
25 those facilities are open. I believe they are. I haven't been

1 down since before COVID. But I would need to come down on the  
2 train, so to commence probably at noon and go until we complete  
3 the deposition.

4 I also wanted to note for the record that at page 118  
5 of the deposition transcript, attached to the motion papers as  
6 Exhibit J, we did demand the production of a number of other  
7 things which I consider to be part of the subpoena.

8 I would propose March 4, 2022 commencing at -- I could  
9 get down there by 11:30 and just continuing. I would just want  
10 to confirm the location with Diamond Court Reporting. I know  
11 they have more than one office, but I would want to pick an  
12 office that's located somewhere in Manhattan, if  
13 Mr. Stojanovich still lives in Manhattan.

14 I'd also ask that we be provided with his current  
15 address so we can complete mailings and service upon him at his  
16 current address if in fact he has moved.

17 Also, I would like to get an updated e-mail. The ones  
18 that I've been sending to the Chet Mining e-mail have not been  
19 getting returned. But Mr. Stojanovich did e-mail me today,  
20 your Honor, for the record, from an e-mail that has the  
21 following address: admin@phoenixdatas.com.

22 I would just ask that he confirm that that's his  
23 correct e-mail and give us his correct residential address, for  
24 the record, as well as his phone number.

25 THE COURT: Let me turn to that in a moment.

1                   Mr. Stojanovich, is there any reason why I shouldn't  
2 order you to appear on March 4, 2022 at 11:30 a.m. at a Diamond  
3 Court Reporting office for your deposition to continue until  
4 concluded?

5                   MR. STOJANOVICH: For the face-to-face deposition, is  
6 it possible that we -- if I could speak to my counselor about  
7 how that should be done. I am right now between places, as I  
8 said. I am outside of the city.

9                   THE COURT: No. You are going to give me -- either  
10 March 4 there is a good reason --

11                   MR. STOJANOVICH: March 4 is fine, is what I'm saying.  
12 Is it possible that I can have a counselor there is what I'm  
13 asking?

14                   THE COURT: If you have a counselor who represents you  
15 and who appears in this case and files an appearance in this  
16 case, then you can have a lawyer present. I'm not going to  
17 stand in your way.

18                   I am going to order you to appear on March 4, 2022 at  
19 11:30 a.m. at a Diamond Court Reporting office in New York City  
20 to be designated by the plaintiffs.

21                   I'm also going to order you by March 1 to produce all  
22 of the documents that have been requested in the subpoenas,  
23 dated January 29, 2021; March 29, 2021; and May 18, 2021 as  
24 further supplemented by the requests made in your deposition of  
25 June 23, 2021, which was adjourned to September 2, 2021.

1           I am going to hold in abeyance the motion for a  
2 contempt order, and in a moment I am going to get a date from  
3 my courtroom deputy for that.

4           Mr. Stojanovich, were you trying to say something?

5           MR. STOJANOVICH: No. There was a beeping sound while  
6 you were speaking.

7           THE COURT: Do you understand what I've said, that you  
8 need to appear on March 4, 2022 at a Diamond Court Reporting  
9 office?

10          MR. STOJANOVICH: Yes, I do, your Honor.

11          THE COURT: I'm also going to direct you to update the  
12 clerk of the court of the Southern District of New York with a  
13 current mailing address for you.

14          MR. STOJANOVICH: Absolutely.

15          THE COURT: Can you give us right now, on the record,  
16 your mailing address and your current e-mail.

17          MR. STOJANOVICH: My current e-mail is the one that he  
18 listed before, the admin@phoenixdatas.com.

19          THE COURT: Please state it again so the court  
20 reporter can get it down.

21          MR. STOJANOVICH: The admin@phoenixdatas.com.

22          THE COURT: Please spell it.

23          MR. STOJANOVICH: A-d-m-i-n-a-t-p-h-o-e-n-i-x-d-a-t-a-  
24 s.com.

25          THE COURT: What is your mailing address?

1                   MR. STOJANOVICH: My mailing address -- this is  
2 probably the best one I can give -- is -- sorry. I've been  
3 switching between places. I have to look it up real quick.  
4 I'm sorry. It's a new address. They can also use a lawyer's  
5 address as well over at JMJB in California. I just don't have  
6 a very permanent address right now.

7                   THE COURT: Mr. Stojanovich.

8                   MR. STOJANOVICH: 50 West Street, New York, New York,  
9 10006.

10                  MR. HARWICK: Is there an apartment number?

11                  MR. STOJANOVICH: 29A is my former apartment number.  
12 That's the most recent -- that's the most active address I can  
13 use right now. I had to vacate my previous place.

14                  THE COURT: Mr. Harwick, does that do it for you?

15                  MR. HARWICK: Your Honor, we have tried service at  
16 that and those documents come back unclaimed. That is his  
17 former address before he moved to Duane Street.

18                  Are you representing to the Court, Mr. Stojanovich,  
19 that you are no longer residing at the Duane Street address  
20 where we served you with the various subpoenas?

21                  MR. STOJANOVICH: No, I'm not.

22                  THE COURT: Mr. Stojanovich, let me further advise you  
23 of a couple of things.

24                  First of all, in order to receive copies of court  
25 filings, you need to do one of two things. You need to make

1 sure the Clerk of Court has a current address for you where  
2 items can be sent, or if you wish to receive service by e-mail,  
3 you can get in touch with the Clerk of Court. There is a form,  
4 and you can give them your e-mail address. I would encourage  
5 you to go to the Court's website and to do one of those two.

6 In the absence of you providing either a current  
7 mailing address or filling out the form for e-mail service, we  
8 will assume that you have got a notice. You understand?

9 MR. STOJANOVICH: Yes. What I'll do is, I'll fill out  
10 that form on the Court's website so we can send things  
11 electronically.

12 THE COURT: The second thing that I am going to advise  
13 you of, Mr. Stojanovich, is that there is a legal clinic in the  
14 Southern District of New York. It's called the NYLAG legal  
15 clinic. It does provide advice to people who are *pro se* and  
16 who generally cannot afford counsel. I don't know whether you  
17 qualify for getting advice from them, but they are a resource  
18 that is available. Their information is also available on the  
19 Court's website, and you might consult with them.

20 MR. STOJANOVICH: I thank you for that, your Honor.  
21 That will be helpful.

22 THE COURT: One last thing before we schedule the  
23 adjourned date for the contempt hearing.

24 Mr. Harwick, I am going to order you to order a copy  
25 of this transcript and to provide a copy of that transcript to

1 Mr. Stojanovich so that he is aware, again, of my orders and  
2 the reasons for them.

3 Before we get to a date for the adjourned hearing, is  
4 there anything further from you, Mr. Harwick?

5 MR. HARWICK: No, your Honor. Thank you.

6 THE COURT: Anything further from you,  
7 Mr. Stojanovich?

8 MR. STOJANOVICH: No, your Honor. Thank you very  
9 much.

10 THE COURT: Matt, date in late March for the adjourned  
11 hearing for contempt proceeding.

12 THE DEPUTY CLERK: We can do March 25 at 4:30 p.m.

13 THE COURT: March 25 at 4:30 p.m. That will be remote  
14 unless I receive a request two days before, so by 5 p.m. on  
15 March 23, for the proceeding to take place in the courtroom.  
16 Otherwise, I will assume that it is proceeding remotely. If  
17 either side wants it to be in person, just send me that letter  
18 and he will do it in person.

19 Thank you to the court reporter. Everybody, stay safe  
20 and stay healthy.

21 Mr. Stojanovich, again, March 4, 2022 at 11:30 a.m.

22 Mr. Harwick, why don't you file on the docket a letter  
23 by Wednesday of this week with the precise location where the  
24 deposition is going to take place. Any problems with that?

25 MR. HARWICK: Yes. No problem with that.

1                   THE COURT: Good luck, everybody. Stay safe and stay  
2 healthy. Thank you.

3                   (Adjourned)

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT COURT

ALEX HOLMES, et al.,

**Plaintiffs,**

## **AFFIDAVIT OF SERVICE**

Case No.: 7:20-cv-0448-UA

CHET MINING CO., LLC. et al.

## Defendants.

STATE OF NEW YORK )  
COUNTY OF SCHENECTADY )  
ss )

Deanna M. Dudley, being duly sworn, deposes and says that she is over the age of 18 years and is not a party to this action; on the 15th day of February 2022, she served the within **2-15-2022 LETTER TO CHET STOJANOVICH REGARDING DATE, TIME AND LOCATION OF COURT ORDERED DEPOSITION ENCLOSING A COPY OF THE CONTEMPT HEARING TRANSCRIPT** upon the following:

TO: Chet Stojanovich  
50 West Street, Apt. 29A  
New York, New York 10007  
[admin@phoenixdatas.com](mailto:admin@phoenixdatas.com)

Chet Stojanovich  
105 Duane Street, Apt. 20F  
New York, New York 10007  
*Federal Express Tracking No.: 776049580820*

by depositing a true and correct copy of the same via e-mail and via Federal Express-Overnight Mail (Signature Required) directed to said individual and/or attorney(s), respectively, at said address(es), mentioned above, that being the address(es) within the state designated for that purpose upon the last papers served in this action or the place where the above then resided or kept offices, according to the best information which can be conveniently obtained.

  
Deanie M. Dudley

Sworn to before me this  
15th day of February 2022.

**Notary Public - State of New York**

STEPHANIE HARRIS

Notary Public, State of New York  
Qualified in Schenectady County  
No. 01L06083461  
Commission Expires on 11/12/23

**Deanna Dudley**

---

**From:** Deanna Dudley  
**Sent:** Tuesday, February 15, 2022 1:43 PM  
**To:** admin@phoenixdatas.com  
**Cc:** John Harwick; Alex Holmes; Nico Tramontana; Lars Eller; brad@beyondenterprizes.com; Josh Navarro; Andrew Schwartzberg; Amir Fardghassemi  
**Subject:** Holmes, et al. v. Chet Stojanovich, et al.  
**Attachments:** 2022\_02\_15\_13\_40\_58.pdf

On behalf of John Harwick, please find the attached correspondence advising you of the Court ordered deposition date, time and location.

Thank you,

Deanna M. Dudley

Paralegal



200 Harborside Drive, Suite 300  
Schenectady, New York 12305  
[ddudley@joneshacker.com](mailto:ddudley@joneshacker.com)  
[www.joneshacker.com](http://www.joneshacker.com)  
D: (518) 213-0125  
O: (518) 274-5820  
F: (518) 274-5875

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### Address Information

<b>Ship to:</b> CHET STOJANOVICH	<b>Ship from:</b> Deanna Dudley
105 DUANE STREET APT. 20F	28 Second Street
NEW YORK, NY 10007	TROY, NY 12180
US	US
5182745820	5182745820

### Shipment Information:

Tracking no.: 776049580820

Ship date: 02/15/2022

Estimated shipping charges:

### Package Information

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Package type: FedEx Envelope

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Your reference: HOLMES-JFH

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## Shipment Receipt

### Address Information

<b>Ship to:</b> CHET STOJANOVICH	<b>Ship from:</b> Deanna Dudley
50 WEST STREET	28 Second Street
APT. 29A	
NEW YORK, NY	TROY, NY
10007	12180
US	US
5182745820	5182745820

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Tracking no.: 776049564282

Ship date: 02/15/2022

Estimated shipping charges:

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Service type: Priority Overnight

Package type: FedEx Envelope

Number of packages: 1

Total weight: 0.20 LBS

Declared Value: 0.00 USD

Special Services:

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